

JAN 13 2011

JULIA C. DUDLEY, CLERK  
BY: *S Taylor*  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

DEVAN BREMBRY, )  
                        )  
Plaintiff,           ) Case No. 7:10-cv-388  
                        )  
v.                     ) **ORDER**  
                        )  
UNITED STATES OF AMERICA, et al., ) By: Hon. Glen E. Conrad  
                        ) Chief United States District Judge  
Defendants.           )

In accordance with the accompanying memorandum opinion, it is now

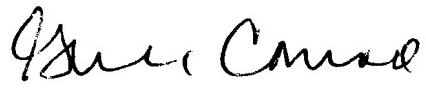
**ORDERED**

that

1. the motion for summary judgment filed by the plaintiff is **DENIED**; and
2. the motion for summary judgment filed by the defendants is **GRANTED** in part and **DENIED** in part. Each of the plaintiff's claims against the defendants shall be dismissed except (a) the plaintiff's claim under the Federal Tort Claims Act, 28 U.S.C. § 2671, et seq., which alleges that Officer Tignor was negligent and proximately caused injury to the plaintiff, and (b) the plaintiff's claim pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), which alleges that Officer Tignor was deliberately indifferent to the plaintiff's safety.

The Clerk is directed to set this matter for trial, allowing ninety days for the parties to engage in discovery. See 28 U.S.C. § 2402. The Clerk is further directed to send copies of this order and the accompanying memorandum opinion to the plaintiff and all counsel of record.

ENTER: This 13<sup>th</sup> day of January, 2011.



\_\_\_\_\_  
Chief United States District Judge